



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,864	05/19/2000	Toshio Inadate	450100-02508	1674
20999	7590	05/03/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			TRAN, TONGOC	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/575,864

Applicant(s)

INADATE, TOSHIO

Examiner

Tongoc Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/16/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 9-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to Applicant's amendment filed on 11/16/2004. Claims 1-4, 7 and 9-11 are pending.

#### ***Response to Arguments***

2. Applicant's arguments filed on 11/16/04 have been fully considered but they are not persuasive.

Applicant contends that the cited prior art fails to teach the limitation of "supplying a service list of said request information...in response to a demand entered from said second user" as recites in the claims. Walker discloses in one embodiment "the end user might connect to the web page of central controller, selecting experts from a list of qualified experts. Likewise, the expert can choose which end user requests to provide an expert answer" (col. 37, lines 1-5); "in order to select from among many experts responding to end user request, bidding protocols can be used..." (col. 37, lines 19-21); "each expert then has an opportunity to bid on or reject the end user's end user request...the bid offer is sent to central controller to be combined with bid offers from other experts....: (col. 37, lines 54-65). This excerpts suggest that both the user (or first user) or the expert (or the second user) can log on to the web page of the central controller and be provided with a list of service request or service offer since they have option to choose which service request or service offer they choose to engage.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 5,862,223, hereinafter Walker) in view of Knee et al. (U.S. Patent No. 5,589,892, hereinafter Knee) and further in view of Luke et al. (U.S. Patent No. 6,131,087, hereinafter Luke).

Walker discloses an information processing apparatus connected to a plurality of information terminal by way of a network, comprising (see Fig. 1-3): Storing means for recording a request information (see col. 14, lines 42-50);

Authenticating means for authenticating a user based on said user information stored in said storing means (see col. 10, lines 26-43);

Recording means for recording a request information transmitted by a first user authenticated by said authenticating means; wherein said first user is a customer and said request information is a request for an offer to sell services matching the request to said customer (see col. 10, lines 26-43 and col. 14, lines 50-60);

Supplying means for supplying a service list of said request information recorded by said recording means to a second user authenticated by said authenticating means in response to a demand entered from said second user;

Art Unit: 2134

Said recording means recording service information transmitted by said second user in response to the request information in said service list; wherein said second user is a shop and said service information is said offer (see col. 27, lines 4-58);

Searching means for searching for service information corresponding to said request information and said user information of said second user recorded by said recording means, in response to a demand for a request list from said first user; and transferring means for transferring said request list to said user (see col. 7, lines 30-35 and lines 67-col. 8, line 1).

Walker does not explicitly disclose wherein said request list includes a mark which expresses the existence of service information corresponding to the request information. However, Knee discloses user receives listing with an asterisk or "star" icon indicating that a product or service associated with each of the listing is available and may be ordered remotely by the user (see Knee, col. 36, lines 67-col. 37, line 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Walker's matching services with Knee's teaching of providing a mark as an indicator of service availability. Furthermore, Walker does not explicitly teach that said matching is for a request for offer to sell goods and the second user is a shop. However, Luke discloses a matching system for electronic commerce for request and offer to sell goods (see Luke, col. 1, lines 13-30, it is inherent that user offers of selling goods encompasses shop or store or business). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

Art Unit: 2134

made to modify Walker's matching of services with Luke's matching of goods in order to accommodate the broader needs in the electronic commerce which is goods as well as services.

In respect to claim 2, Walker, Knee and Luke disclose an information processing apparatus as claimed in claim 1. Walker further discloses "said user information includes an user ID, a password and an electronic mail address" (see col. 14, lines 4249).

In respect to claim 3, Walker, Knee and Luke disclose an information processing apparatus as claimed in claim 2. Walker further discloses "said transferring means transfers said service information corresponding to said request information as said search result to the information terminal of said first user by an electronic mail based on said information terminal of said first user by an electronic mail based on said user information for the first user stored in said storing means" (see col. 7, lines 26-29)).

In respect to claim 4, Walker, Knee and Luke disclose an information processing apparatus as claimed in claim 3. Walker further discloses "said service information includes an address information on the network for obtaining a desired information among said service information by said first user" (see col. 18, lines 63-65).

In respect to claims 7 and 9-11, the claim limitations are method claims that are substantially similar to the apparatus claims 1-4. Therefore, claims 7 and 9-11 are rejected based on the similar rationale.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

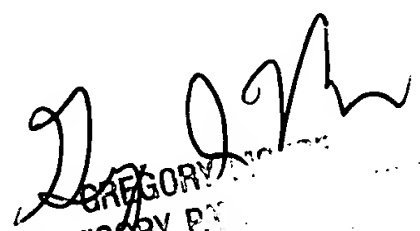
Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Tongoc Tran  
Art Unit: 2134

TT

  
April 29, 2005

  
GREGORY P. ...  
SUPERVISORY P. ...  
TECHNOLOGY